

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:17-CR-00134-FDW-SCR**

UNITED STATES OF AMERICA

v.

OMAR LIONEL REED,

Defendant.

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ORDER


THIS MATTER is before the Court on Defendant’s Motion to Dismiss. (Doc. No. 3512.)
For the reasons set forth below, Defendant’s Motion is **DENIED**.

Defendant asks this Court to dismiss “the [nine] year old offense of malicious conduct” based on various alleged constitutional violations. (Doc. No. 3512.) Defendant’s charges before this Court did not include “malicious conduct.” He was sentenced to 70 months imprisonment on one count of racketeering on April 23, 2019. (Doc. No. 2566.) Based on a review of Defendant’s Presentence Investigation and Report in this case, (Doc. No. 2533), Defendant seeks to dismiss a pending state charge of Malicious Conduct by a Prisoner from 2014. (Id., p. 31.) That charge is pending before the McDowell County District Court, not this Court, . To the extent Defendant seeks dismissal because the outstanding warrant affected his custody level within the Bureau of Prisons, that issue is moot because Defendant was released on April 13, 2024. See <https://www.bop.gov/inmateloc/> (last visited July 16, 2024).

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss, (Doc. No. 3512), is DENIED.

IT IS SO ORDERED.

Signed: November 12, 2024


Frank D. Whitney
United States District Judge

